

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

* * * * *

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
)	
v.)	CRIM. NO. 2011-05
)	
)	
)	
LAURITZ MILLS, et al.)	
)	
)	
Defendants.)	
)	

***DEFENDANT'S MOTION TO CONTINUE TRIAL DATE
WITH POINTS AND AUTHORITIES***

COMES NOW DEFENDANT, LAURITZ MILLS, by and through her undersigned Counsel, to move this Honorable Court to continue the trial date, presently set for November 7, 2011, pursuant to *Fed.R.Crim.P. Rules 2, 12, 45 & 47, the Revised Organic Act of 1954 (48 U.S.C. § 1561)* and the Constitutional considerations embodied therein.

In support of her ***Motion***, Defendant states the following facts and circumstances:

1. Undersigned counsel previously advised the Court that several bankers boxes of materials were removed from Defendant's and additional offices in conjunction with what became *People v. Alric Simmonds, Sup. Ct. St. T. & St. J. Crim. Nos. F112/07 & F436/07*. Upon information and belief the Office of the V.I. Inspector General requested and received

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materials from the V.I. Bureau of Economic Research and related entities on 8-10 occasions from 2006 through April 4, 2008, when all materials were seized and removed in conjunction with a *Subpoena* believed to have been issued pursuant to ***People v. Simmons***. Counsel's inability to locate and review these documents is the basis of Defendant's pending ***Motion to Extend Time to File Pretrial Motions***.

2. The subject documents are necessary for the preparation of a proper defense, including, but not limited to *Public-Authority*, pursuant to ***Fed. R. Crim. P. 12.3***, and for motions practice.
3. The parties have communicated about these materials and have made active efforts to obtain the documents. Accordingly, Defendant has prepared and will issue *subpoenas* to the V.I. Inspector General and/or the V.I. Attorney General in an effort to locate the missing materials.
4. At the last status hearing held on October 5, 2011, both counsel for the Government and co-defendant stated to the Court that they would not oppose a request for a continuance of the trial date. That was reconfirmed during today's status conference with the Court.
5. Defendant has agreed to waive her right to a speedy trial and recently filed an ***Amended Application and Checklist for Speedy Trial Extension*** acknowledging her waiver and extending the time for trial to July 2012. Counsel for the co-Defendants have discussed the matter and Defendant Frank Mills has similarly executed his ***Amended Application*** through to the same date.

WHEREFORE, Defendant prays:

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- A. That the Motion to Continue be GRANTED;***
- B. That trial be continued to a date certain in 2012; and***
- C. For such other and further relief as the Court deems just and proper.***

Dated this 26th day of October, 2011.

Respectfully submitted,

/s/ Treston Moore
Treston E. Moore, Esquire
V.I. Bar No. 10
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2011, true and correct copies of the foregoing were electronically served pursuant to **LRCr 1.2** and **LRCi 5.4**, upon Kelly B. Lake, Esquire, Office of the United States Attorney, Federal Building & U.S. Courthouse, 5500 Veterans Drive, Suite 260, St. Thomas, V.I. 00802-6424 (Fax No. 776-3474), and upon Gordon C. Rhea, Esquire, 1037 Chuck Dawley Blvd., Building A, Mt. Pleasant, SC 29464, and to any additional Counsel of Record.

/s/ Treston Moore